

2 ARTICLE APPEARED
ON PAGE E-20NEW YORK TIMES
24 APRIL 1983

The Secret About Secrets

As most people concerned about guarding Government secrets discover, the trouble is there are too many of them. They pile up so fast they spill over, leak out, indeed, have to be routinely poured out with every official transaction. But this fact of Washington life eludes an Administration team now studying the question. It dreams about a law that would make it a crime to divulge any information classified as secret.

Congress has never entertained that fantasy, and there's no reason to start now. The Interdepartmental Group on Unauthorized Disclosure of Classified Information has done enough damage by misleading President Reagan into an absurdly broad censorship regime for the speeches and writings of present and former Government employees.

The advocates of prosecution have not cited any grave cases of damage to the national security to justify their alarm; that, apparently, would be telling a secret. Mr. Reagan, like all Presidents, has several times had it up to his keister with leaks from his inner circle, but surely it's not his closest aides who are being nominated for jail.

Laymen, even judges, are understandably confused by this recurring debate. When they hear "secret," they think of weapons blueprints or military codes; they can't believe anyone would divulge such secrets except for sinister purposes.

But truly secret secrets are relatively few, and many are in fact securely protected by the espionage laws. What is now under discussion are the mountains of papers — practically all papers produced or received by the Departments of State and Defense — that are classified for reasons of administrative, political or diplomatic convenience.

Hundreds of people are rubber-stamping classi-

fications onto routine reports from embassies, legislative lobbying plans, even press clippings and appointment calendars. These classifications, if valid, are rarely valid for more than a few days or weeks. But no one bothers or dares to declassify — except as officials begin to speak with other departments or governments or try to sell their policies to Congress and the press. Hardly any activity in the Government's interest is possible without the routine disclosure of these "secrets."

Even then, most important confidences are in fact kept as long as any conceivable national interest requires. But when discretion fails and some secret is let out — like the news the other day that Venezuela has trained some Salvadoran troops — the offenders are usually high officials who've gone a notch too far too soon on some urgent, deliberate bit of business or propaganda. Jail bait?

Government is well equipped to punish, dismiss and stigmatize real violators of national security. But Government harbors many motives for secrecy that have nothing to do with security. Individuals and departments routinely seek to protect themselves from embarrassment and scrutiny; too often, they are not only uninterested in public debate but actively working to prevent it.

The uneasy tension between those who thus secrete information and those who ferret it out has worked amazingly well for many decades. To upset the balance and chill public discussion with a criminal law is more than mischievous; it threatens the high national interest in informed discussion.

A law would never, in any case, yield more than selective prosecution of some hapless underlings. And as every Presidential memoir testifies, the leaks that bring on these trepidations almost always occur at the loftiest levels. They are sometimes deplorable, but they are rarely criminal.